



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,368	09/11/2003	Brian N. Belanger	2222.3810000	3018
26111 7590 01/13/2009 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
JOHNSON, CARLTON				
ART UNIT		PAPER NUMBER		
2436				
MAIL DATE		DELIVERY MODE		
01/13/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/659,368

**Applicant(s)**

BELANGER ET AL.

**Examiner**

CARLTON V. JOHNSON

**Art Unit**

2436

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 22 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Nasser G Moazzami/  
Supervisory Patent Examiner, Art Unit 2436

/C. V. J./  
Examiner, Art Unit 2436

## Response to Arguments

The amendments to Claim 15 will be entered.

## Examiner Position:

The arguments were not persuasive in overcoming the currently rejected claims.

The 112 rejection is maintained. There is no disclosure to modify the access requirements by the resolution authority in the specification or the original claims. The excerpts in paragraph [0033] indicate that the resolution authority includes an entity authorized to provide authorization for access. There is no disclosure in paragraph [0033] that the modification of access requirements is in response to a comparison that indicates access by the access candidate is prohibited.

The Examiner maintains that Timson discloses the capability to add additional modules to the authentication procedures. Other types of modules such as enabling modules and interrogatable modules can be made from the controller module. (see Timson col 4, line 60 - col. 5, line 4: other types of modules; hierarchical authorization structure) The enabling module cannot empower another module with more permission than the enabling module itself contains. These additional authentication modules can generate a hierarchical structure for the authentication process.

The Timson and Moreh prior art combination discloses the usage of a resolution authority to provide additional authentication services with access to the resolution authority performed as a last authentication process as per claim limitation. (see Moreh col. 2, lines 48-62; col. 5, line 56 - col. 6, line 19: authentication services between client and server using intermediate entity (protocol proxy))

Without a successful authorization comparison (a match), access is not permitted. All of the required functions are disclosed by the Timson prior art as indicated in the accompanying citations. (see Timson col. 3, line 34 - col. 4, line 15: access information; request/response authorization information; comparison of candidate (authorization) information; authorization verification, or prohibition if verification not successful) The Examiner has reevaluated Applicant's remarks and has determined that the Applicant desires a third party to act as a resolution authority in performing an additional authentication service.

The term "hierarchical" is not disclosed within the claimed invention. The claimed invention does not disclose a hierarchical structure. The specification discloses the term hierarchical on page 12, paragraph [0035]. The term is used to refer to a hierarchical collection of data or a hierarchical data structure.

The Timson prior art discloses hierarchical sets of permissions (see Timson col. 4, line 67 - col. 5, line 1: hierarchical sets of permissions for data operations) and a hierarchical secure data system with a hierarchical scheme or process for access determination. (see Timson col. 11, line 66 - col. 12, line 4: hierarchical secure data system; implemented as a dual secure data module scheme or process)

Arguments for dependent claims are based upon above arguments for independent claims. The successful responses to arguments for independent claims also successfully respond to the current arguments against the associated dependent claims.

The Timson prior art discloses receiving a request for access. The Timson prior art discloses both attempts to gain access information such as submitting a request (see Timson col. 3, lines 57-64: request for access) and receiving a request (see Timson col 3, line 57 - col. 4, line 15: response to the request from enabling module; request/response mechanism)